

FILE NO. 23
VOLUME 1
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DATE 10/24/85
meeting.

CALENDAR ITEM

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10/24/85
PRC 5626
Reese

AUTHORIZATION AS SCHOOL LAND BANK TRUSTEE TO SELL AND
SUBSEQUENT ISSUANCE OF A PATENT TO THE UNITED STATES FOR
21,120 ACRES OF STATE SCHOOL LAND, WITHIN THE CONFINES OF
THE FORT IRWIN MILITARY RESERVATION, SAN BERNARDINO COUNTY

PARTY: United States of America
c/o Mr. Carl Hallgren
Department of the Army
LA District, Corps of Engineers
Real Estate Division
Acquisition Branch
P. O. Box 2711
Los Angeles, California 90053-2325

BACKGROUND:

The State school land within Fort Irwin has been used exclusively for military purposes since 1942. In 1978 the United States of America obtained, through leasehold condemnation Civil No. 77-1159 JWC, the right to the exclusive use and occupancy of 21,120 acres of State school land, located within Fort Irwin Military Reservation, San Bernardino County. The just compensation awarded was the amount of \$21,120 per annum. The term, beginning April 3, 1977 and ending March 31, 1978, was extendible yearly thereafter at the election of the United States until March 31, 1982, without the right of extension thereafter.

On January 8, 1982, the Department of the Army, Los Angeles District, Corps of Engineers requested an interim voluntary lease of the 21,120 acres of school land within Fort Irwin, because completion of a proposed exchange of such State land with the United States General Services Administration was quite unlikely prior to the March 31, 1982 expiration date of the leasehold condemnation. The lease rental offered and accepted was \$21,120 per annum. An interim voluntary lease

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approved by the Commission (Minute Item C1, February 25, 1982) was for a term of one year with the option to extend the lease for one additional year. Subsequently the said lease was extended through March 31, 1984.

In December 1983, Commission staff was advised by the United States General Services Administration no further work would be undertaken on the exchange of 362 acres of Federal land located near Camarillo and Dixon for the 21,120 acres of school land within Fort Irwin. The National Communication Agency decided to retain the 160 acres near Dixon which upset the equal value element required for exchange. GSA was unwilling to restructure the exchange using other property.

Following the above development, the Army Corps of Engineers revealed its interest in the outright purchase of the school land in Fort Irwin, informing staff that funding for the purchase would be placed in the Department's budget proposal for the 1985 fiscal year. In the meanwhile, the Department would continue to lease the State land within the Fort Irwin from the Commission in the amount of \$21,120 per annum.

CURRENT SITUATION:

On June 11, 1985, the Army Corps of Engineers advised Commission staff of the military need for the acquisition of 21,120 acres of State school land all within the confines of the Fort Irwin Military Reservation.

Federal funds in the amount of \$2,112,000 have been received by staff and placed into suspense until such time this project is approved. Staff has reviewed and approved the appraisal, submitted by the Army Corps of Engineers, as to fair market value.

STATUTORY AND OTHER REFERENCES:

- A. P.R.C.: Div. 6, Parts 1, 2 and 3; Div 7.2, Div. 13.
- B. Cal. Adm. Code: Title 2, Div. 3; Title 14, Div. 6.

AB 884:

N/A.

OTHER PERTINENT INFORMATION:

1. Pursuant to the Commission's delegation of authority and the State CEQA Guidelines (14 Cal. Adm. Code 15061), the staff has determined that this activity is exempt

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from the requirements of the CEQA: 1) as a statutory exempt project. The project is exempt because it involves an action taken pursuant to the school land Land Bank Act, P.R.C. 8700, et seq; and 2) under the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The staff believes there is no possibility that this project may have a significant effect on the environment.

Authority: P.R.C 8710 and 14 Cal. Adm. Code 15061(b)(3).

2. The consideration of \$2,112,000 plus accrued interest will be deposited in the School Land Bank Fund to facilitate the management of school lands for the purpose of generating revenue and carrying out the goals of the School Land Bank Act, the State Lands Commission will be acting as Trustee for the School Lands Bank Fund pursuant to Division 7.2 of the P.R.C.
3. The Army Corps of Engineers has requested that the following stipulations be included in the reservation within the patent to the United States.
 - a. The reservation to the State of California of all mineral deposits contained in the subject lands and the right of surface entry be allowed at the discretion of the Commander, National Training Center and Fort Irwin.
 - b. The reservation to the State of California, the right to fish thereupon, subject to the concurrence of the Commander, National Training Center and Fort Irwin.

The staff of the State Lands Commission and the Attorney General's Office concur with the proposed stipulations because there are no waters to fish upon within the subject

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lands, the extreme ordinance contamination of the land and the stipulations are presented in the interest of public safety and national security.

4. Staff has determined that the subject lands are not suitable for cultivation without artificial irrigation.
5. Staff has filed a General Plan for this activity with the Legislature pursuant to PRC 6373.

EXHIBITS:

- A. Land Description.
- B. Exhibit Map.
- C. General Plan.

IT IS RECOMMENDED THAT THE COMMISSION, AS SCHOOL LAND BANK TRUSTEE:

1. FIND THAT THE ACTIVITY IS EXEMPT FROM THE REQUIREMENTS OF THE CEQA PURSUANT TO 14 CAL. ADM. CODE 15061 AS A STATUTORY EXEMPT PROJECT PURSUANT TO P.R.C. 8710, AN ACTION TAKEN PURSUANT TO THE SCHOOL LAND BANK ACT, P.R.C. 8700 ET SEQ., AND BECAUSE THERE IS NO POSSIBILITY THAT THE ACTIVITY MAY HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT. (P.R.C. 8710 AND 14 CAL. ADM. CODE 15061(b)(3))
2. FIND THAT A GENERAL PLAN FOR THIS ACTIVITY WAS PREPARED BY COMMISSION STAFF AND FILED WITH THE LEGISLATURE PURSUANT TO PRC 6373.
3. FIND THAT THE STATE SCHOOL LAND DESCRIBED IN EXHIBIT "A" ATTACHED HERETO IS NOT SUITABLE FOR CULTIVATION WITHOUT ARTIFICIAL IRRIGATION.
4. AUTHORIZE THE SALE AND SUBSEQUENT ISSUANCE OF A PATENT TO THE UNITED STATES GOVERNMENT OF THE LAND DESCRIBED IN EXHIBIT "A", SUBJECT TO APPLICABLE STATUTORY AND CONSTITUTIONAL RESERVATIONS, INCLUDING BUT NOT LIMITED TO, ALL MINERALS, RIGHT OF ENTRY, AND THE RIGHT OF THE PUBLIC TO FISH UPON SUBJECT TO THE CONCURRENCE/DISCRETION OF THE COMMANDER, NATIONAL TRAINING CENTER AND FORT IRWIN.
5. AUTHORIZE THE DEPOSIT OF \$2,112,000 (PLUS ANY ACCRUED INTEREST) IN THE SCHOOL LAND BANK FUND FOR THE ACQUISITION OF LANDS TO FACILITATE THE MANAGEMENT OF SCHOOL LANDS FOR THE PURPOSE OF GENERATING REVENUE AND CARRYING OUT THE GOALS OF THE SCHOOL LAND BANK ACT.

EXHIBIT "A"
LAND DESCRIPTION

PRC 5626

Those certain 40 parcels of land situated in San Bernardino County, State of California, more particularly described as follows:

PARCEL 1 - TRACT 5

Section 36, T18N, R2E, SBM, containing 640 acres more or less.

PARCEL 2 - TRACT 6

S-1/2 of Section 36, T17N, R1E, SBM, containing 320 acres more or less.

PARCEL 3 - TRACT 7

N-1/2 of Section 16, T17N, R2E, SBM, containing 320 acres more or less.

PARCEL 4 - TRACT 8

Section 16, T17N, R3E, SBM, containing 640 acres more or less.

PARCEL 5 - TRACT 9

E-1/2 of Section 16, T16N, R1E, SBM, containing 320 acres more or less.

PARCEL 6 - TRACT 10

Section 36, T16N, R1E, SBM, containing 640 acres more or less.

PARCEL 7 - TRACT 11

Section 16, T16N, R2E, SBM, containing 640 acres more or less.

PARCEL 8 - TRACT 12

Section 36, T16N, R2E, SBM, containing 640 acres more or less.

PARCEL 9 - TRACT 13

S-1/2 of Section 36, T16N, R3E, SBM, containing 320 acres more or less.

PARCEL 10 - TRACT 14

NW-1/4 of Section 16, T16N, R4E, SBM, containing 160 acres more or less.

PARCEL 11 - TRACT 15

N-1/2 of Section 36, T16N, R4E, SBM, containing 320 acres more or less.

PARCEL 12 - TRACT 16

NE-1/4 of Section 16, T16N, R5E, SBM, containing 160 acres more or less.

PARCEL 13 - TRACT 17

Section 36, T16N, R5E, S3M, containing 640 acres more or less.

PARCEL 14 - TRACT 18

NW-1/4 and S-1/2 of Section 16, T16N, R6E, SBM, containing 480 acres more or less.

PARCEL 15 - TRACT 19

Section 16, T15N, R1E, SBM, containing 640 acres more or less.

PARCEL 16 - TRACT 20

Section 36, T15N, R1E, SBM, containing 640 acres more or less.

PARCEL 17 - TRACT 21

Section 16, T15N, R2E, SBM, containing 640 acres more or less.

PARCEL 18 - TRACT 22

Section 36, T15N, R3E, SBM, containing 640 acres more or less.

PARCEL 19 - TRACT 23

Section 16, T15N, R4E, SBM, containing 640 acres more or less.

PARCEL 20 - TRACT 24

Section 36, T15N, R4E, SBM, containing 640 acres more or less.

PARCEL 21 - TRACT 25

Section 16, T15N, R5E, SBM, containing 640 acres more or less.

PARCEL 22 - TRACT 26

Section 36, T15N, R5E, SBM, containing 640 acres more or less.

PARCEL 23 - TRACT 27

Section 16, T15N, R6E, SBM, containing 640 acres more or less.

PARCEL 24 - TRACT 28

Section 16, T14N, R2E, SBM, containing 640 acres more or less.

PARCEL 25 - TRACT 29

S-1/2 of Section 36, T14N, R2E, SBM, containing 320 acres more or less.

PARCEL 26 - TRACT 30

Section 16, T14N, R3E, SBM, containing 640 acres more or less.

PARCEL 27 - TRACT 31

SW-1/4 of Section 36, T14N, R3E, SBM, containing 160 acres more or less.

PARCEL 28 - TRACT 32

NW-1/4 of Section 16, T14N, R4E, SBM, containing 160 acres more or less.

PARCEL 29 - TRACT 33

Section 16, T14N, R5E, SBM, containing 640 acres more or less.

PARCEL 30 - TRACT 34

Section 36, T14N, R5E, SBM, containing 640 acres more or less.

PARCEL 31 - TRACT 35

Section 16, T14N, R6E, SBM, containing 640 acres more or less.

PARCEL 32 - TRACT 36

Section 16, T13N, R2E, SBM, containing 640 acres more or less.

PARCEL 33 - TRACT 37

Section 36, T13N, R2E, SBM, containing 640 acres more or less.

PARCEL 34 - TRACT 38

Section 16, T13N, R3E, SBM, containing 640 acres more or less.

PARCEL 35 - TRACT 39

Section 36, T13N, R3E, SBM, containing 640 acres more or less.

PARCEL 36 - TRACT 40

Section 16, T13N, R4E, SBM, containing 640 acres more or less.

PARCEL 37 - TRACT 41

Section 36, T13N, R4E, SBM, containing 640 acres more or less.

PARCEL 38 - TRACT 42

Section 16, T13N, R5E, SBM, containing 640 acres more or less.

PARCEL 39 - TRACT 43

Section 16, T12N, R3E, SBM, containing 640 acres more or less.

PARCEL 40 - TRACT 144

SW-1/4 of Section 16, T16N, R5E, SBM, containing 160 acres more or less.

END OF DESCRIPTION

REVIEWED SEPTEMBER 23, 1985, BY BOUNDARY SERVICES UNIT, M. L. SHAFER, SUPERVISOR.

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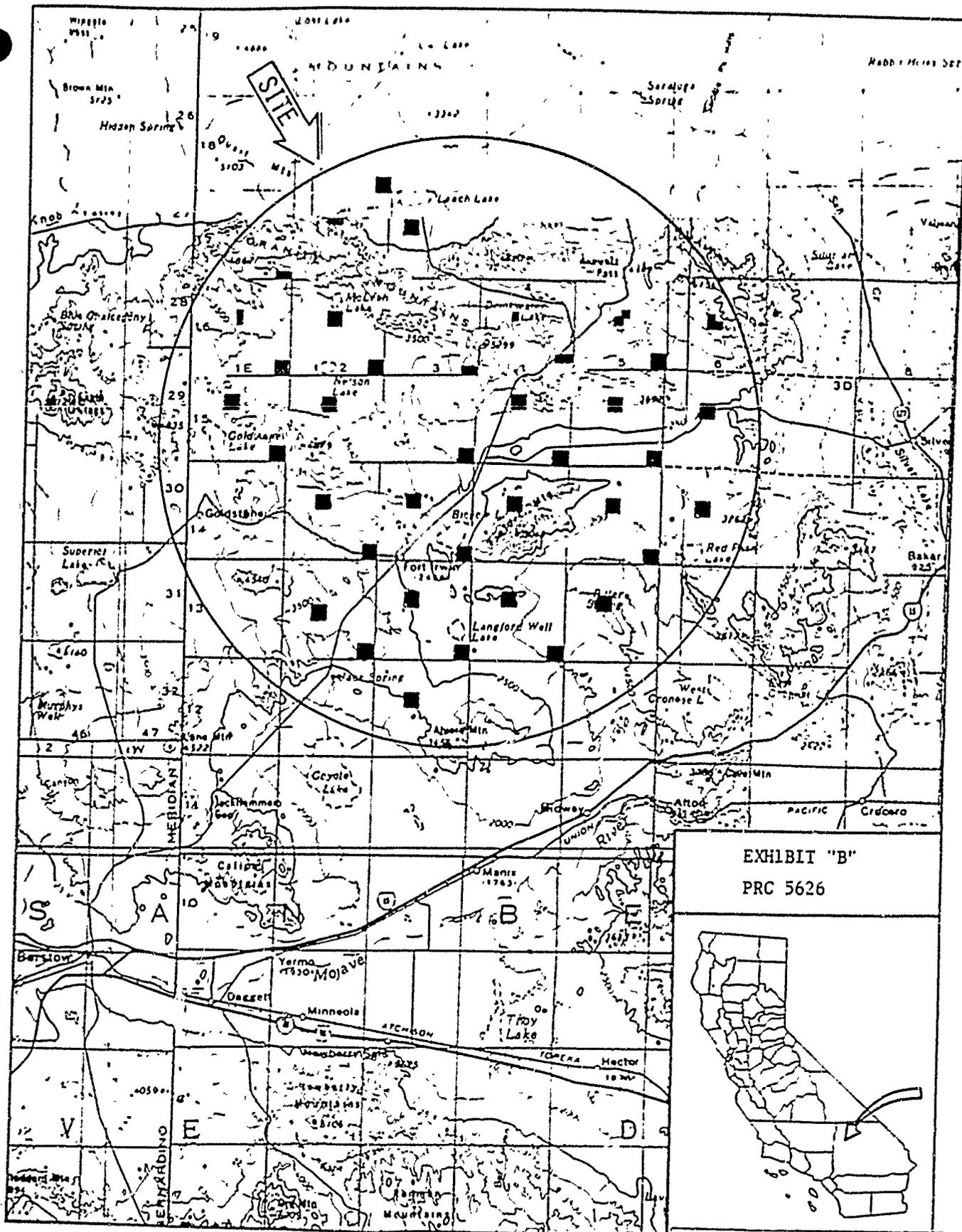


EXHIBIT "B"
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EXHIBIT "C"

GENERAL PLAN
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The State Lands Commission proposes to sell a 21,120 acre of State school land within the confines of the Fort Irwin Military Reservation, San Bernardino County. The land will continue to be used for military purposes and the acquisition by the United States is in the interest of public safety and national security.

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